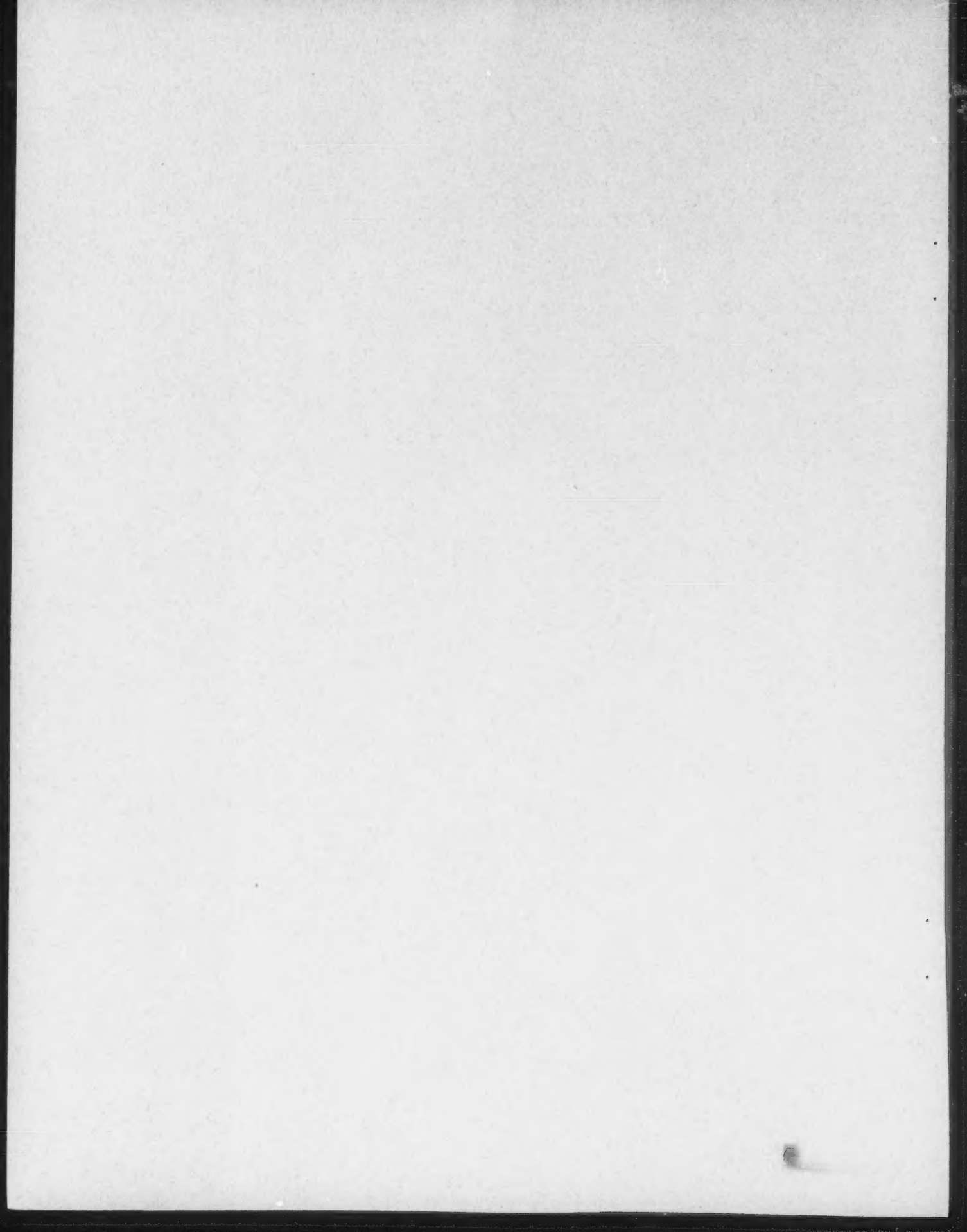


Social Services Appeal Board of Saskatchewan

**Annual
Report
2010 - 2011**



Letter of Transmittal

Honourable June Draude
Minister of Social Services

Dear Ms. Draude:

I hereby respectfully submit the Annual Report of the
Social Services Appeal Board for the one year period
ending March 31, 2011.



Pat Cooper
Co-Chairperson



Linda Coe-Kirkham
Co-Chairperson

Preface

The Annual Report, presented to the Minister of Social Services provides a description of the Social Services Appeal Board, its mandate, development and procedures, and a summary of the nature of appeals heard by the Board during the year April 1, 2010 to March 31, 2011.

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Introduction

The *Social Services Appeal Board* is an independent tribunal whose role is to determine if clients have been treated fairly and in accordance with the Saskatchewan Assistance Regulations.

Legal authority is provided by the *Department of Social Services Act R.S.D. 1978, Section 10*; *The Saskatchewan Assistance Act R.S.S. 1966, Section 14(1)(m)(n), 15-18*; the *Saskatchewan Assistance Regulations, Section 43*.

Appeals to the *Social Services Appeal Board* are considered the final step in a three tiered appeal process established under the regulations. The first level of appeal is to the Regional Director and any dissatisfied client may appeal to this level. Once the Regional Director has made a decision, the client has the option of continuing with the appeal should he/she be dissatisfied with the decision. Client appeals to the second level are arranged by the Regional Director and are heard by a Regional Appeal Committee. Depending on the decision of the Regional Appeal Committee, either the client or the Regional Director may choose to continue the appeal to the third and final level, the *Social Services Appeal Board*.

The decision of the provincial board is final, unless it is not in accordance with the law. Clients and the Ministry may appeal to the Court of Queen's Bench. Clients may also request an independent review by the Ombudsman who will investigate the case. The Ombudsman cannot change the decision of the board, however, he may investigate the matter and advise the board if he believes the claim to be substantiated.

Members of the Board**2010 -2011**

The Co-Chairpersons
and Board Members
are independent of the
Ministry of Social Services.

Appointments are made by
Minister's Order.

Gloria Edwards is the appeal
coordinator in Regina.

Pat Rauch is the appeal
coordinator in Saskatoon.

P. Cooper
and
L. Coe-Kirkham
-Co-Chairpersons-

D. Bach

N. Osborne

R. Bellamy

T. Chasmar

C. Froehlich

J. Lighthouse

R. Schellenberg

J. Moser

M. Wallace

D. Strudwick

Location of Hearings

Regional hearings are held by Regional Appeal Committees in the major centres in each region. Provincial hearings are held in Regina and Saskatoon, usually with a panel of four to five members. A quorum is three members.

The chairperson attends all appeal hearings and conveys in writing to clients the decisions made by the Appeal Board, usually within one week of the hearings. As part of the decision, the client is always advised of the rationale behind the board's decision.

Board members consider themselves obliged to adhere to the Saskatchewan Assistance Regulations but believe they have some flexibility in dealing with the internal policy guidelines.

The board has access to outside legal counsel and on occasion seeks advice regarding decisions.

Co-Chairperson's Comments

The 2010-2011 annual report of the Social Services Appeal Board is available on-line at www.socialservices.gov.sk.ca/10-11-ssappealboard.pdf

In the 2010-2011 year the board received a total of 108 provincial appeal requests. Nine requests were denied and four requests were withdrawn prior to appeal. One request was heard and adjourned for further information before a decision could be made. In the interim prior to reconvening the hearing this appeal was withdrawn. The Appeal Board held a total of 41 meetings with 16 meetings scheduled in Regina and the remaining 25 meetings scheduled in Saskatoon. Of the 94 provincial appeals, 64 were heard in Saskatoon and 30 were heard in Regina. A total of 452 regional appeals were heard province wide with the greater number of appeals being heard by the Southwest and Centre Regional Appeal Committees. A total of 13.9% of the regional appeal decisions made favoured the client.

During 2010-2011 period the Board noted a number of changes in the type of appeals heard and a change in the makeup of clients appealing. There were more appeals by recent immigrants to Saskatchewan from countries that have previously been under represented in Saskatchewan. This is a trend the Board believe will continue as Saskatchewan attracts more immigration. The challenge for the Board is assuring that the appellants receive a fair hearing regardless of language. The challenge is first to identify whether language is an issue, and if so, finding adequate translation services. There is ongoing work on this issue by the Board and the Ministry.

..... continued

Co-Chairperson's Comments

..... continued

There have been a number of appeals from long term Social Service clients who have been denied benefit under regulation 6(1)(b) which reads in part: *"It shall be the responsibility of the recipient as a condition of eligibility to: produce evidence that the applicant has explored every possibility of self support"*. Although the regulation is not new, it does appear that it is being used more frequently, and some clients appear to not be aware of the consequence of non compliance in spite of written and oral warnings from the Ministry staff. Because this is a serious consequence for clients the Board commends the Ministry staff for their efforts to communicate the expectations and consequences to clients, and recommends that such efforts are continued and reviewed to ensure clients are aware.

There was considerable work done by the Board, the Office of the Ombudsman and Office of Dispute Resolution with the support of the Ministry of Social Services to identify the training needs of the Regional Appeal Committees and the Social Services Appeal Board. The result was a training package being compiled by the Office of Dispute Resolution and Ministry of Social Services in the 2010/2011 budget year and delivered early in April of the next cycle. The training was well received and the Board looks forward to the continued efforts of all involved to ensure ongoing training.

Table 1 - Statistics**Number of Regional and Provincial Appeals
(2004 – 2005 to 2010 - 2011)**

	Regional	Provincial
2004 – 2005	565	223
2005 – 2006	457	176
2006 – 2007	466	136
2007 – 2008	385	127
2008 – 2009	415	127
2009 – 2010	370	95
2010 – 2011	452	108

2010 – 2011:

- Regional numbers do not include denied or withdrawn.
- Provincial numbers include 9 denied and 5 withdrawn.

Table 2 - Regional Appeals
Location and Disposition 2010 - 2011
Summary by Region

Region	Decision in Favour of Client	Decision in Favour of Director	Total
Southwest	21	118	139
Southeast	1	17	18
Centre	32	126	158
Northeast	7	76	83
Northwest	2	54	56
Total	63	391	454

The decision favoured the client 13.9% of the time.

Note: Totals may not balance because one appeal may result in more than one decision.

Table 3 - Provincial Appeals
Source of Provincial Appeals.
2010 - 2011

Region	Appealed by Client	Appealed by Director	Total
Southwest	23	8	31
Southeast	5	0	5
Centre	22	18	40
Northeast	11	0	11
Northwest	3	4	7
Total	64	30	94

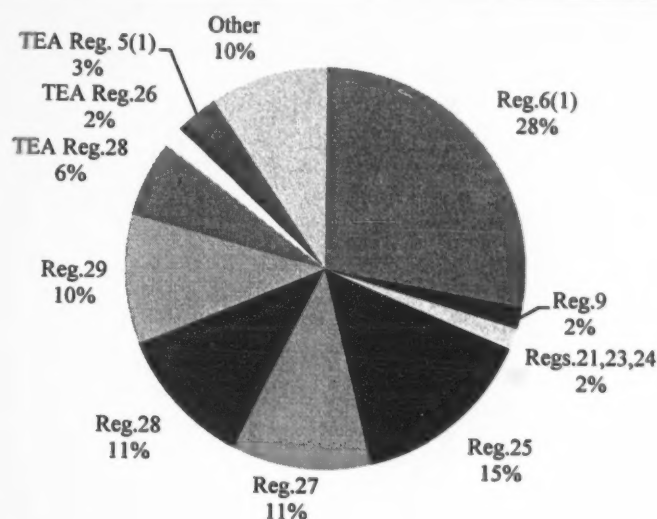
Note: 9 requests for appeals were denied
5 appeals were withdrawn
2 requests were appealed by both
Client and Director

**Table 4 - Provincial Appeals
Summary by Region
2010 - 2011**

Region	Client Sourced Appeals		Director Sourced Appeals	
	Decision for Client	Decision Against Client	Decision for Director	Decision Against Director
Southwest	2	15	6	2
Southeast	0	5	0	0
Centre	5	10	6	12
Northeast	2	7	0	0
Northwest	2	1	3	1
Total	11	38	15	15

The number of appeals received and the number of decisions is not equal due to denials and withdrawals.

Table 5 - Social Services Appeal Board
Appeals by Reason 2010 - 2011
 (segments represent the SAP and TEA Regulation appealed)



Reg. 6(1)	<ul style="list-style-type: none"> Responsibilities of the recipient as a condition of eligibility
Reg. 9	<ul style="list-style-type: none"> Determining the amount of assistance
Regs. 21, 23, 24	<ul style="list-style-type: none"> Changes in the amount of assistance
Reg. 25	<ul style="list-style-type: none"> Allowance amounts: basic needs, shelter, utilities, personal, food.
Reg. 27	<ul style="list-style-type: none"> Special needs
Reg. 28	<ul style="list-style-type: none"> Financial resources and exempt income
Reg. 29	<ul style="list-style-type: none"> Determining financial resources
TEA - Reg. 5(1)	<ul style="list-style-type: none"> Eligibility of applicant
TEA - Reg. 26	<ul style="list-style-type: none"> Report of changes
TEA - Reg. 28	<ul style="list-style-type: none"> Responsibility of the recipient as a condition of eligibility
Other	<ul style="list-style-type: none"> <u>Social Assistance Program</u> Special Needs, assistance payments, determining eligibility <u>Transitional Employment Allowance</u> Determining budget deficit and eligibility

**Table 6 - Appeal Board Meetings
Provincial Appeals Heard
in Regina and Saskatoon**

2006-2007 to 2010-2011

	Regina Meetings	Cases Heard	Saskatoon Meetings	Cases Heard
2006 - 2007	21	56	27	66
2007 - 2008	23	53	25	59
2008 - 2009	19	44	25	68
2009 - 2010	19	36	23	58
2010 - 2011	16	30	25	64

Table 7 - The Provincial Ombudsman

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Clients who are dissatisfied with the decision of the Social Services Appeal Board may also request a review by the Office of the Ombudsman. The Ombudsman cannot change the decision of the board, however, an investigation will be conducted and the board advised if the Ombudsman believes the complaint to be substantiated. In those cases the Ministry of Social Services will also be advised. The Ministry may then initiate action to bring about a satisfactory outcome for the client.

Statistics for 2010 – 2011

Cases Opened	Cases Closed	Not Substantiated	Substantiated and Unresolved	Discontinued
3			3	

Cases Outstanding March 31, 2010	0
Cases Outstanding March 31, 2011	3

